



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 1, 2006

ITEM NUMBER:

SUBJECT: REVIEW OF DEVELOPMENT REVIEW DR-06-01
2333 ELDEN AVENUE

DATE: JULY 27, 2006

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: HANH TRAN, ASSISTANT PLANNER

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER
(714) 754-5640

RECOMMENDATION:

Conduct a hearing and adopt resolution either upholding, reversing, or modifying Planning Commission's decision.

BACKGROUND:

The applicant is proposing to legalize the installation of a mobile home with a minor modification for a 10-foot wide driveway on the property.

On March, 31, 2006, the Planning staff denied Development Review DR-06-01, finding that the mobile home was not consistent with the General Plan. On April 7, 2006, Planning Commissioner Vice Chair Donn Hall called up the project for Planning Commission review. At the meeting of May 8, 2006, the applicant distributed revised plans to the Planning Commission and the project was continued to allow staff time to evaluate the modified plans. The Planning Commission approved the revised project at the meeting of June 26, 2006, on a three-to-two vote. Council Member Gary Monahan called up the application on July 3, 2006, for City Council review.

ANALYSIS:

The Planning Commission determined that the revised project is compatible with the surrounding uses because the residence, when completed, would appear more like a single-family house rather than a mobile home. The interior of the mobile home (i.e. bathroom, kitchen, flooring material, etc.) will remain intact while the exterior will be removed and replaced with wood-built frames and stucco finish. The mobile home will be improved with varying roof forms, asphalt shingle roof material, window treatments, an entrance porch, and a bay window. Condition of approval number five also requires improvements to the existing unit to match the proposed upgrades. The extent of the improvements to the mobile home allows the Building and Safety Division to review and inspect the structure for safety purposes.

The dismantled mobile home was illegally placed on the property in February 2006, and appears unsightly to the surrounding neighbors. Condition of approval number one on

Exhibit "B" is designed to ensure that the applicant expedite the construction process to improve the appearance of the mobile home.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

- (1) Uphold Planning Commission's decision to approve the project; or
- (2) Approve the project with modifications; or
- (3) Reverse Planning Commission's decision and deny the project, which would require the applicant to remove the mobile home from the subject property no later than 30 days from City Council's decision. If City Council wishes to deny the project, modifications to the findings will need to be made. The applicant will not be able to apply for a substantially similar project for six months.

FISCAL REVIEW:

Fiscal review is not necessary.

LEGAL REVIEW:

Legal review is not necessary.

CONCLUSION:

The Planning Commission concluded that the proposed project, once completed, will be compatible with surrounding properties and will comply with the Zoning Code and the General Plan.



HANH TRAN
Assistant Planner



DONALD D. LAMM, ACP
Deputy City Mgr./Development Svs. Dir.

DISTRIBUTION: City Manager
Asst. City Manager
City Attorney
City Clerk (2)
Staff (4)
File

James and Susan Bollinger
137 Saint Vincent
Irvine, CA 92618

Cambridge Townhomes HOA
2335 Elden Avenue
Costa Mesa, CA 92627

Douglas and Theresa Hiramoto
2335 Elden Avenue #D
Costa Mesa, CA 92627

Brian and Anastasia Winley
2335 Elden Avenue #F
Costa Mesa, CA 92627

Dana Lavi
2337 Elden Avenue #F
Costa Mesa, CA 92627

Christina Otto
2335 Elden Avenue #A
Costa Mesa, CA 92627

- ATTACHMENTS:
- 1 Location Map
 - 2 Plans
 - 3 Draft City Council Resolution
 - 4 Exhibit "A" Draft Findings
 - 5 Exhibit "B" Conditions of Approval
 - 6 Request for Review
 - 7 Correspondence received from the public
 - 8 Minutes from Planning Commission Meeting of April 27, 2006
and June 26, 2006
 - 9 Planning Commission Staff Report and Attachments
 - 10 Planning Commission Resolution

File Name

Date

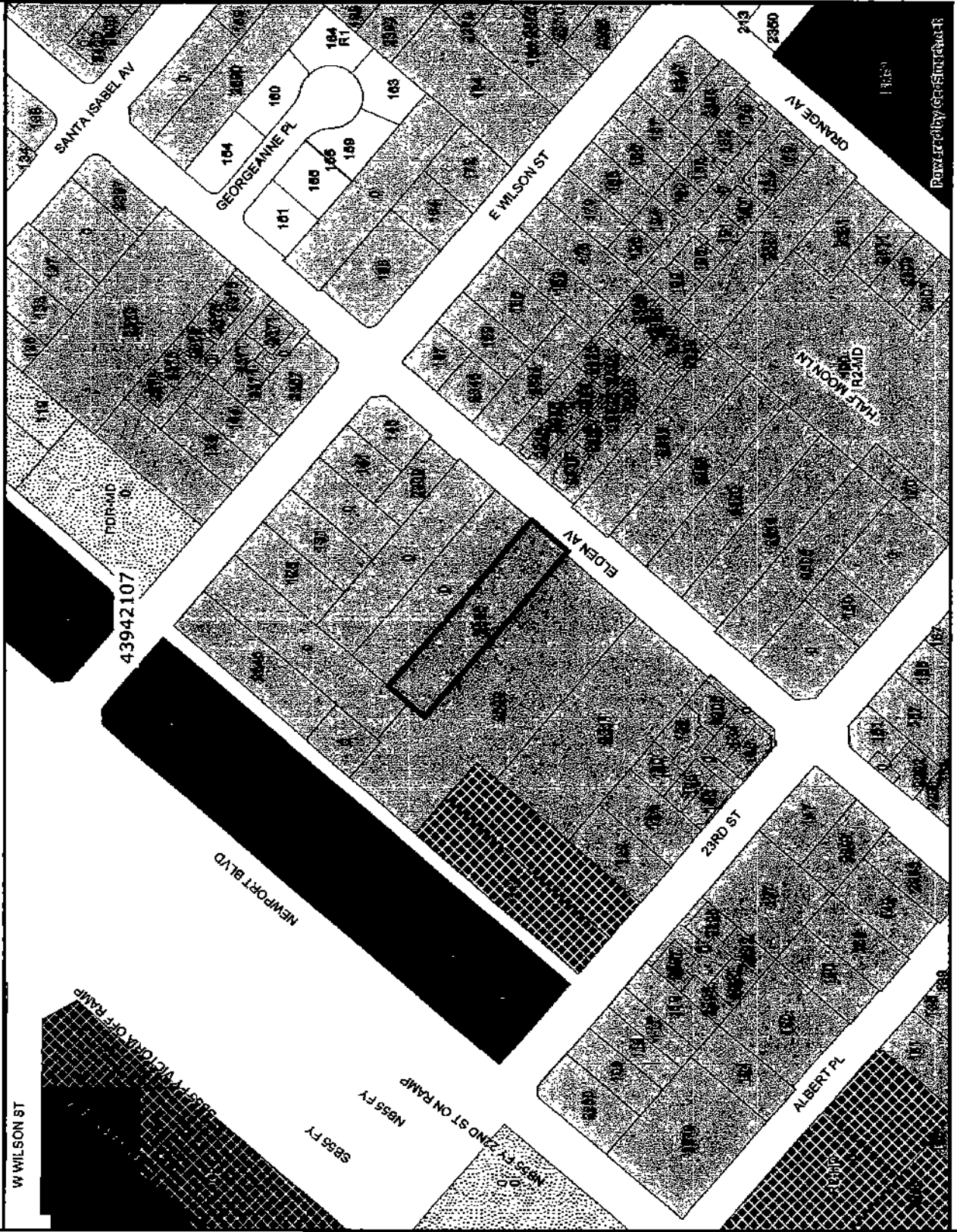
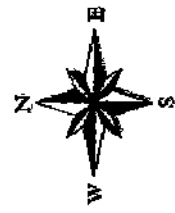
Time

2333 ELDEN AVENUE

LOCATION/ZONING MAP

Legend

- Selected Features
 - Parcel Addresses
 - Street Names
 - Parcel Lines
 - Zoning
- | | | | | | | | | | | | | | | | | | | | | |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|
| AP | C1 | C1-S | C2 | CL | IGR | IAR-S | MG | MP | P | PDC | PDI | PDR-HD | PDR-LO | PDR-MD | PDR-NCM | R1 | R2-HD | R2-MD | R3 | TC |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|
- Parcels



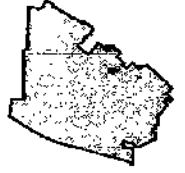
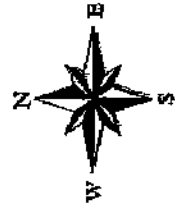
2333 ELDEN AVENUE

AERIAL PHOTOGRAPH

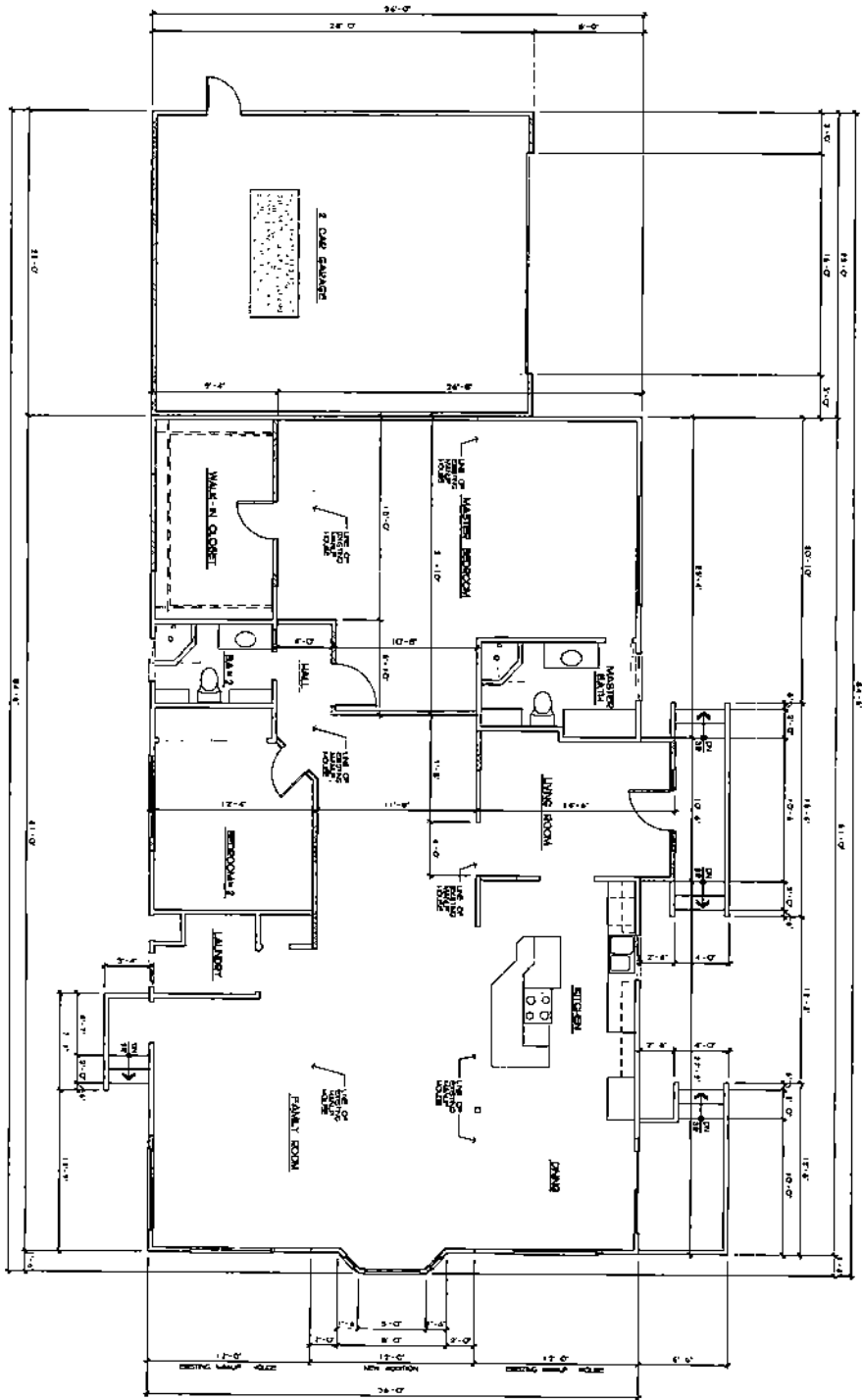


Legend

- ☒ Selected Features
- ☐ Parcel Addresses
- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- parcels



7



FLOOR PLAN
SCALE: 1/4" = 1'-0"

FLOOR PLAN LEGEND

SYMBOL	DESCRIPTION
(Line with dots)	EXISTING WALL TO REMAIN
(Line with dashes)	NEW WALL TO REMAIN
(Line with dots and dashes)	NEW WALL TO BE REMOVED
(Line with dots and dashes)	NEW WALL TO BE ADDED

ROOM	AREA	PERMITS	NOTES
NET FLOOR AREA	1,444 S.F.		
2 CAR GARAGE	516 S.F.		
TOTAL	1,960 S.F.		

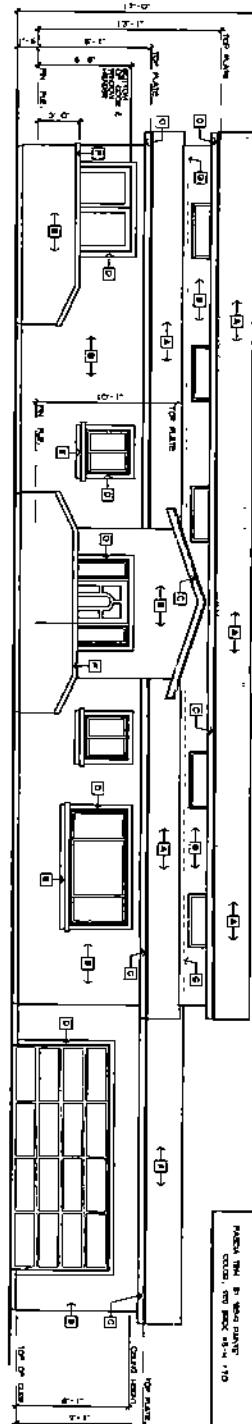
2232

A.1

FLOOR PLAN
PROPOSED RESIDENCE at
2333 ELDEN AVE., COSTA MESA, CA

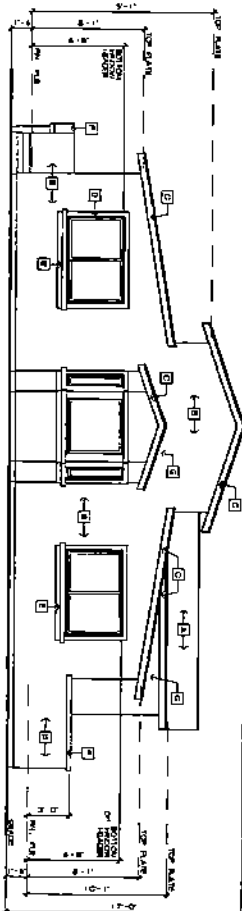
DETAILS
1/8" = 1'-0"
COSTA MESA, CA
2232

NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	



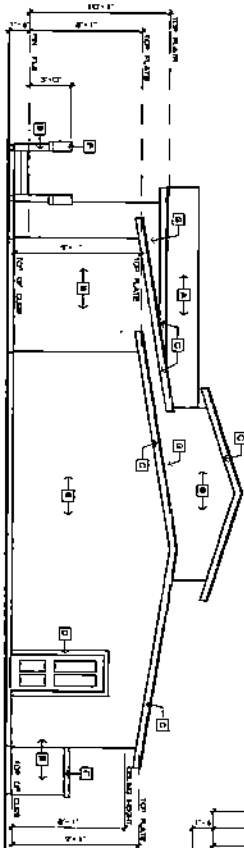
RIGHT ELEVATION
SCALE 1/4" = 1'-0"

SCALE 1/4" = 1'-0"



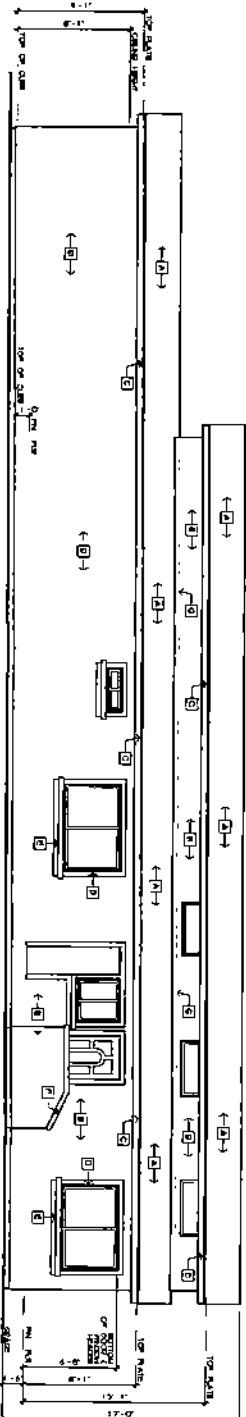
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

SCALE 1/4" = 1'-0"



REAR ELEVATION

90.1 + 471 375%



LEFT ELEVATION

 $\theta_{\text{CAL}} = 174^\circ$

- [illegible]

[illegible]

Polymer
polyimide
Form
Film
Size
4-6 ft.
A.2
Notes

EXTERIOR ELEVATIONS

**PROPOSED RESIDENCE at
2333 ELDEN AVE., COSTA MESA, CA**

0174115
1450 W Bk St
Suite 703
Carmel, CA 95007
(831) 340-4870



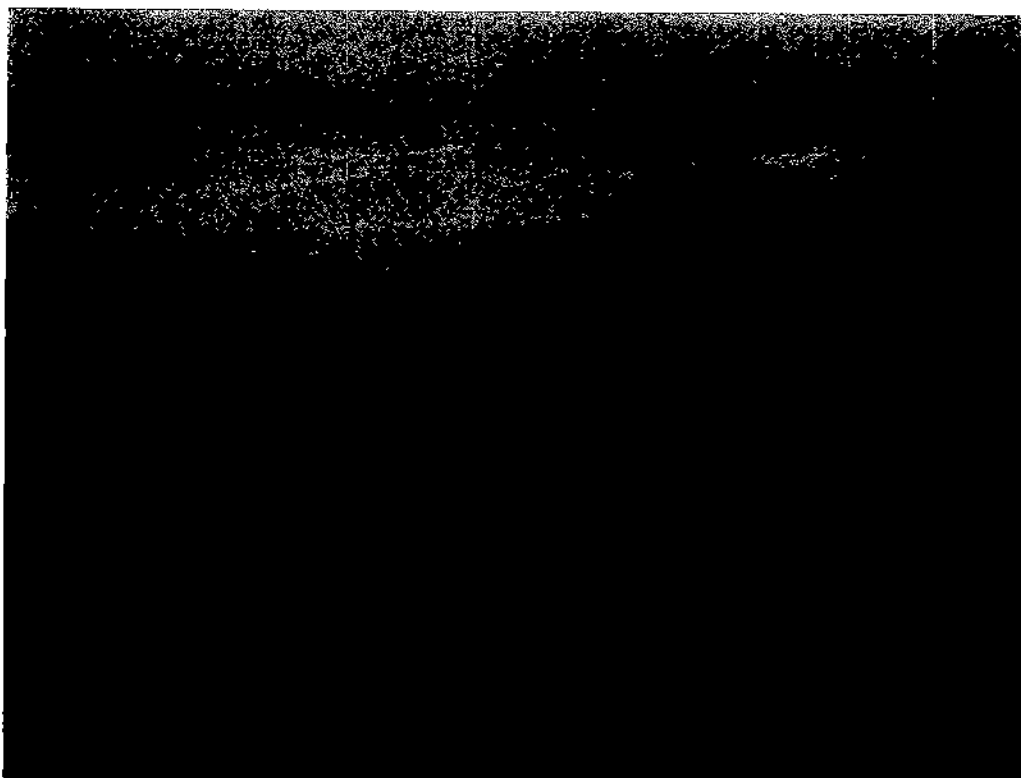
New landscaping
in front yard
Received 3/13/06



6

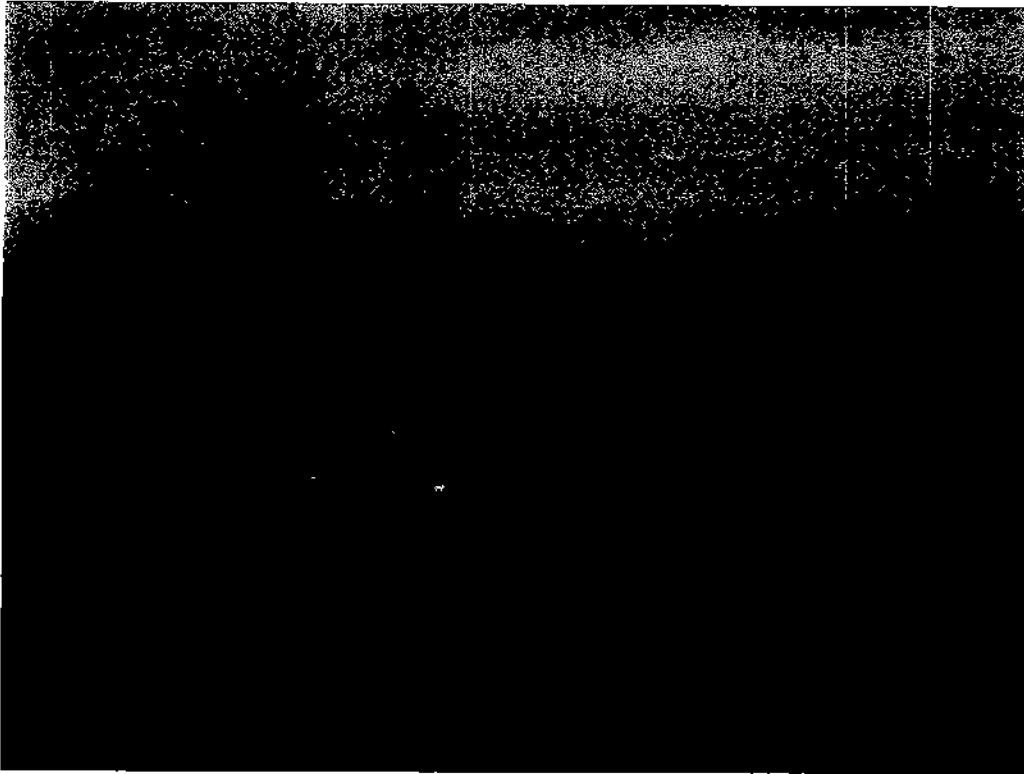


New landscaping
in front yard
Received 3/13/06



2333 Elden Ave

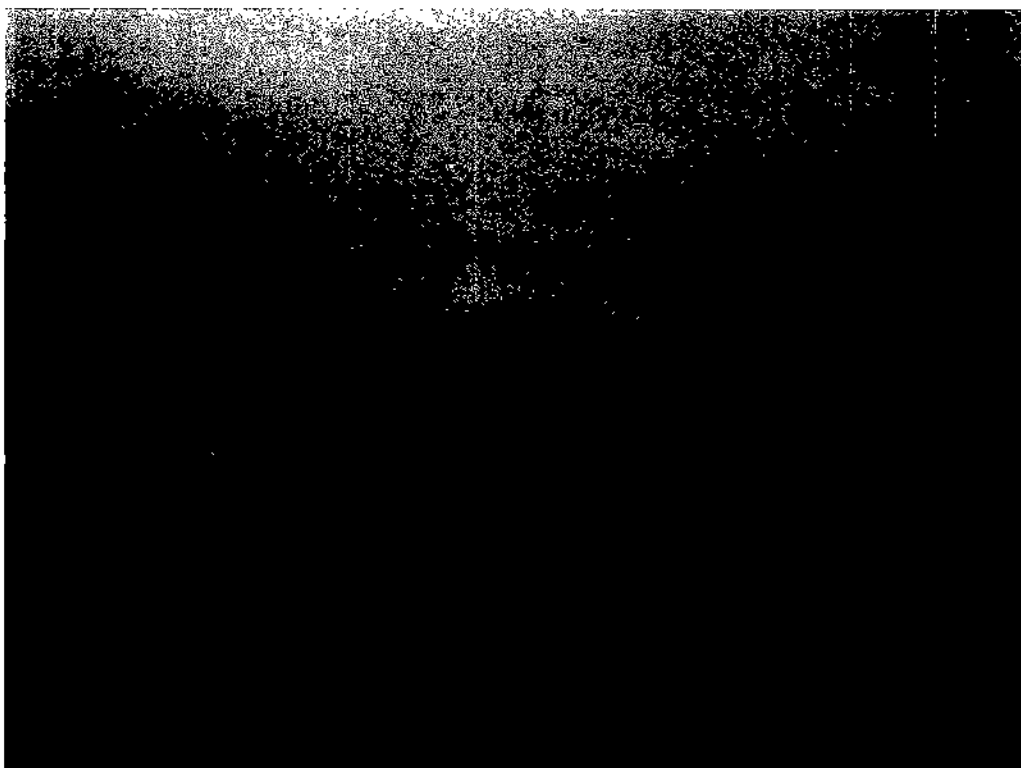




2333 Elden Ave 3/30/01



2333 Elden Ave



12

2/27/06
Monday



(Rear looking at street) ↑

2333 Elden Ave

(Front) ↓





2333 Elden Ave (Left side yard)

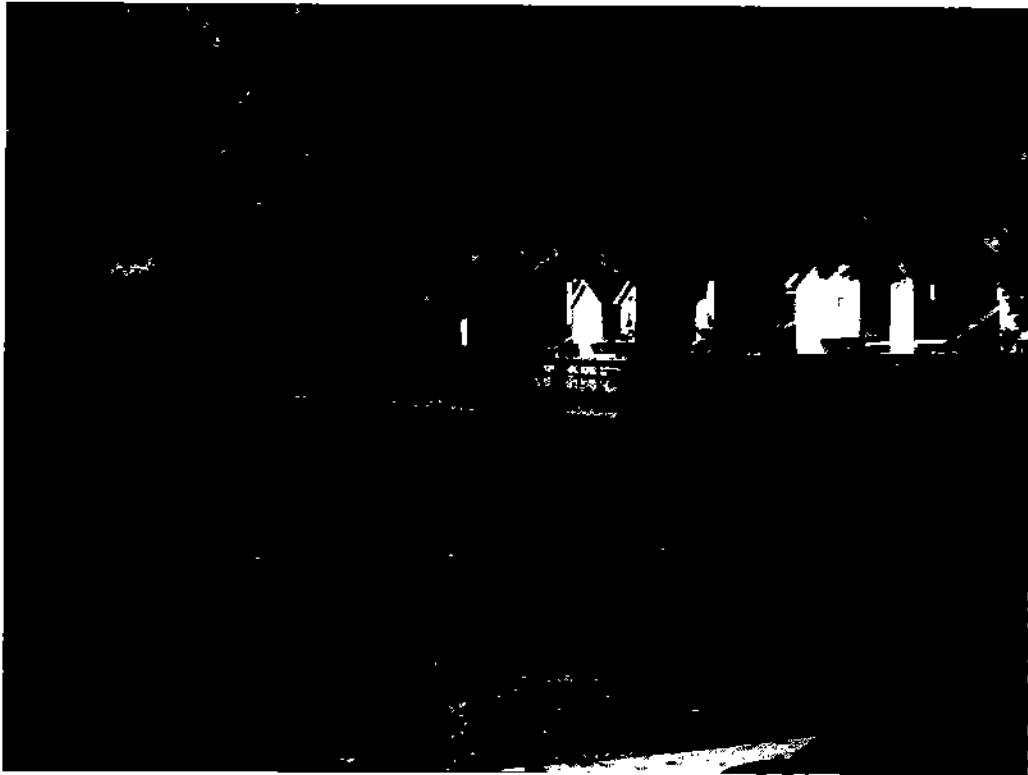




2333 Elden Ave

(existing House)





2333 Elden Ave (Front)





2333 Elden Ave (Existing House)



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA UPHOLDING PLANNING COMMISSION
APPROVAL OF DEVELOPMENT REVIEW DR-06-01**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by James and Susan Bollinger, authorized agent for Oi Wah Joe, Herbert Yee, and Susan Bollinger, owners of the real property located at 2333 Elden Avenue, requesting development review approval to legalize the installation of a mobile home on a lot with an existing home and a minor modification for a 10-foot wide common driveway; and

WHEREAS, on March 31, 2006, Planning staff denied Development Review DR-06-01; and

WHEREAS, on April 7, 2006, staff's denial was called up by Vice Chair Donn Hall for review by the Planning Commission; and

WHEREAS, the Planning Commission conducted a review of the project on May 8, 2006, and continued the item to the meeting of June 26, 2006; and

WHEREAS, Planning Commission held a hearing of the project on June 26, 2006, and approved the revised project; and

WHEREAS, Council Member Gary Monahan called up the project for City Council review on July 3, 2006; and

WHEREAS a hearing was held by the City Council on August 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **APPROVES** Development Review DR-06-01 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Development Review DR-06-01 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 1st day of August 2006.

Mayor of the City of Costa Mesa

ATTEST:

Deputy City Clerk of the City of Costa Mesa

EXHIBIT "A"

FINDINGS

- A. The proposed mobile home complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. Compatible and harmonious relationship will exist between the proposed building and the site development, and the building and site developments that have been approved for the general neighborhood.
 - 2. Safety standards can be applied to the new home to protect the public health, safety, and general welfare.
 - 3. The proposed mobile home, as modified by the applicant, is consistent with the Safety Element of the General Plan
 - 4. The proposed mobile home, as modified by the applicant, is consistent with the Community Design Element of the General Plan. The remodeled mobile home will be consistent with the prevailing character of existing development in the immediate vicinity.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(6) in that the minor modification for a 10-foot wide common driveway will not be detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood. Specifically, adequate vehicle turn-around area is provided behind the proposed residence. Furthermore, landscaping will be provided along both sides of the driveway and the reduced driveway width would allow more landscape area in the front yard, further softening the appearance of the street frontage.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from Section 15303, New Construction of Small Structures, of CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (If Project Is Approved)

- Plng.
1. The applicant shall submit plans to the Building Division for building plan check no later than 30 days from this approval date. Furthermore, the applicant shall work diligently with City staff to obtain the necessary permits and inspections and to complete the project in a timely manner.
 2. Plans submitted for building plan check shall show a six-foot high solid fence/wall across the front yard, located at a minimum distance of 10 feet from the front property line to screen the mobile home. Any fence/wall shall conform to the City's Walls, Fences, and Landscaping Standards.
 3. A total of seven parking spaces shall be provided to support the two dwelling units. Parking shall conform to the City's Parking Design Standards and the Transportation Division requirements.
 4. The existing driveway shall be resurfaced. To avoid an alley-like appearance, the driveway shall be developed without a center swale. The Planning Division shall approve the design of the driveway.
 5. All new and existing improvements (including the existing dwelling unit) shall be architecturally compatible with regard to building material, style, colors, roof form, roof pitch, etc. Specifically, the existing dwelling unit at the rear of the property shall have the same roof color and same surface finish color as the proposed dwelling unit. Plans submitted for building plan check shall indicate how this will be accomplished.
 6. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 7. Address assignment shall be requested from the Planning division prior to submittal of working drawings for plan check. The approved address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
 8. Location of any air conditioning unit shall require Planning Division approval. Air conditioning units are typically approved five feet from side setbacks. Rooftop installation shall be prohibited.
 9. Construction, grading, material delivery, equipment operation, or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Noise-generating activity shall not be allowed on Sunday or Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 10. The conditions of approval, Code provisions, and Special District requirements of Development Review DR-06-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
12. The mobile home shall not be occupied until all the improvements have been completed.
- Eng. 13. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
14. Dedicate a 3-foot public utility and sidewalk easement behind existing right-of-way line on Elden Avenue.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA REVERSING PLANNING COMMISSION'S
APPROVAL OF DEVELOPMENT REVIEW DR-06-01**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by James and Susan Bollinger, authorized agent for Oi Wah Joe, Herbert Yee, and Susan Bollinger, owners of the real property located at 2333 Elden Avenue, requesting development review approval to legalize the installation of a mobile home on a lot with an existing home and a minor modification for a 10-foot wide common driveway; and

WHEREAS, on March 31, 2006, Planning staff denied Development Review DR-06-01; and

WHEREAS, on April 7, 2006, staff's denial was called up by Vice Chair Donn Hall for review by the Planning Commission; and

WHEREAS, the Planning Commission conducted a review of the project on May 8, 2006, and continued the item to the meeting of June 26, 2006; and

WHEREAS, Planning Commission held a hearing of the project on June 26, 2006, and approved the revised project; and

WHEREAS, Council Member Gary Monahan called up the project for City Council review on July 3, 2006; and

WHEREAS, a hearing was held by the City Council on August 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **DENIES** Development Review DR-06-01 with respect to the property described above.

PASSED AND ADOPTED this 1st day of August 2006.

Mayor of the City of Costa Mesa

ATTEST:

Deputy City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 1st day of August 2006.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$ _____

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Gary Monahan
Address 77 Fair Dr Costa Mesa CA
Phone 714 754-5192 Representing* _____

REQUEST FOR: ☒ REVIEW** ☐ APPEAL ☐ REHEARING

Decision of which review, appeal or rehearing is requested, (give number of razone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) DR 06-01 2333 Elden Avenue
Planning Commission mtg. of June 26, 2006

Reasons for requesting review, appeal or rehearing: _____ Decision by: Planning Commission

Compatibility with surrounding neighborhood

RECEIVED
CITY CLERK
2006 JUL - 3 PM 4:50
CITY OF COSTA MESA
BY _____

Date July 3, 2006 Signature: [Signature] (City Council Member Monahan)

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

1 August 2006

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency
** Review may be requested only by City Council or City Council Member
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing

RECEIVED
CITY CLERK

VII-3
(a)(b)

DATE: July 11, 2006

TO: CITY COUNCIL

2006 JUL 12 AM 8:51

Mayor Allan R. Mansoor
Mayor Pro Tem Eric R. Bever
Council Member Linda W. Dixon
Council Member Katrina Foley
Council Member Gary Monahan

CITY OF COSTA MESA
BY _____

SUBJECT: CALL UP FOR REVIEW OF DR-06-01 by Council Member Gary Monahan stating Compatibility with Surrounding Neighborhood

RECOMMENDED FOR APPROVAL BY PLANNING STAFF
BASED ON CHANGES AS AGREED BETWEEN THE PLANNING
STAFF AND AS RECOMMENDED BY THE ARCHITECT OF
RECORD (NORMAN V. PEREZ OF DETAILS - RESIDENTIAL
AND COMMERCIAL DESIGN) AND JAMES R. BOLLINGER
(HUSBAND OF APPLICANT - SUSAN BOLLINGER) AT A
MEETING HELD IN THE CITY OF COSTA MESA'S PLANNING
OFFICE

APPROVED BY THE PLANNING COMMISSION RESOLUTION
VOTED 3-2 IN FAVOR AT A PUBLIC MEETING HELD ON
JUNE 26, 2006

FROM: SUSAN BOLLINGER - APPLICANT
PHONE NUMBER (714) 470 2698 CELL
WORK NUMBER (562) 388 6184
EMAIL: SUSAN.BOLLINGER@AIRTRANSPORT.CC

Members of the City Council,

I am requesting all of your assistance to please consider the information I am presenting in this correspondence regarding application DR-06-01 and hopefully agree that it does indeed meet with the compatibility of the surrounding neighborhood in appearance.

Attached are just a few pictures (I have many more) as a small sampling of what the residences on the immediate street look like where we are requesting to modify our manufacture home that once completed will be compatible with the existing structure at the back of the property as well as the neighborhood.

CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL 12 2006

Page 2

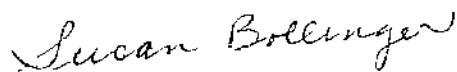
Please review the photos on Elden Street between 23rd and Wilson and review the approved plans by the City's Planning Department's staff as to our Architect's design submittal. The immediate street on Elden Avenue between 23rd and Wilson consists of one story single family dwellings, and two story dwellings as well as condos and apartments.

Additionally, there is also attached a picture of **another manufacture home** a few streets over at 127 Monte Vista, Costa Mesa which was approved back around May of 2005.

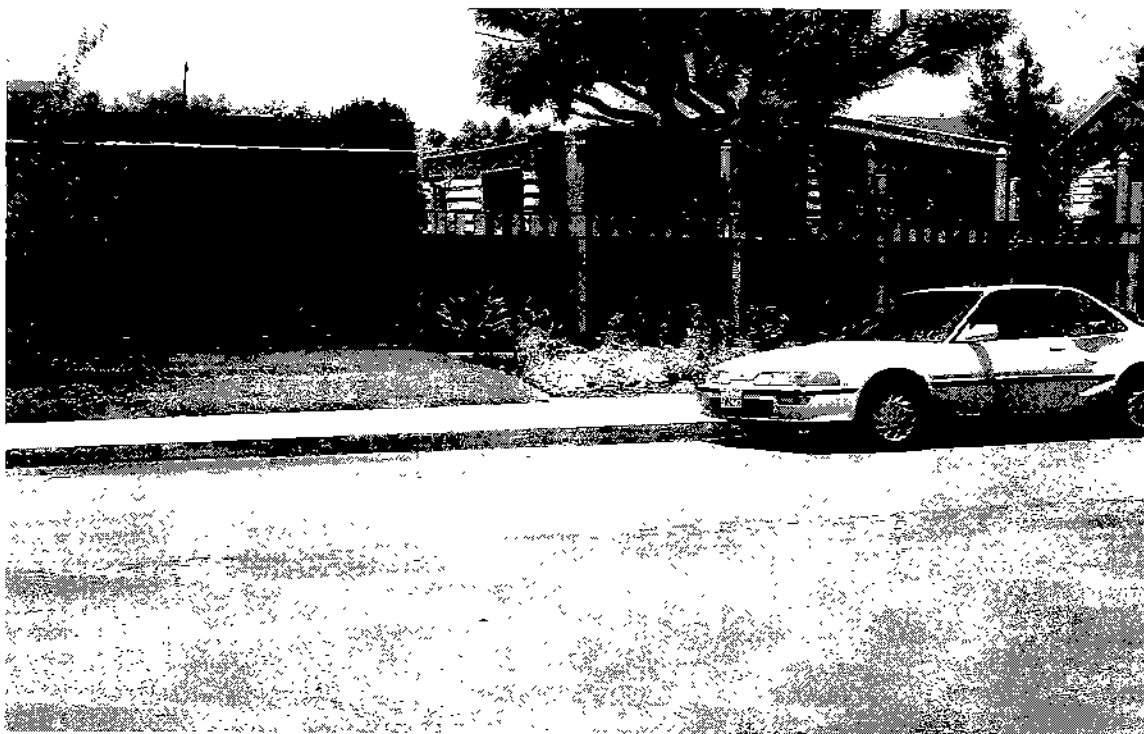
After your review, my husband and I and/or Mr. Norman Perez are available to answer any questions or to clarify any other details that any of you may have via telephone, email, in person, etc. at a convenient time. We will follow up on Monday, July 18, 2006 if we do not hear prior to that date.

My cell number is (714) 470 2698 or my business number is (562) 388 6184 or my husband's cell is (714) 865 7331 and Mr. Norman Perez can be reached at (951) 340 9620 or via fax at (951) 340 9696

Sincerely,



Susan Bollinger
2233 Martin, Unit 214
Irvine, CA 92612



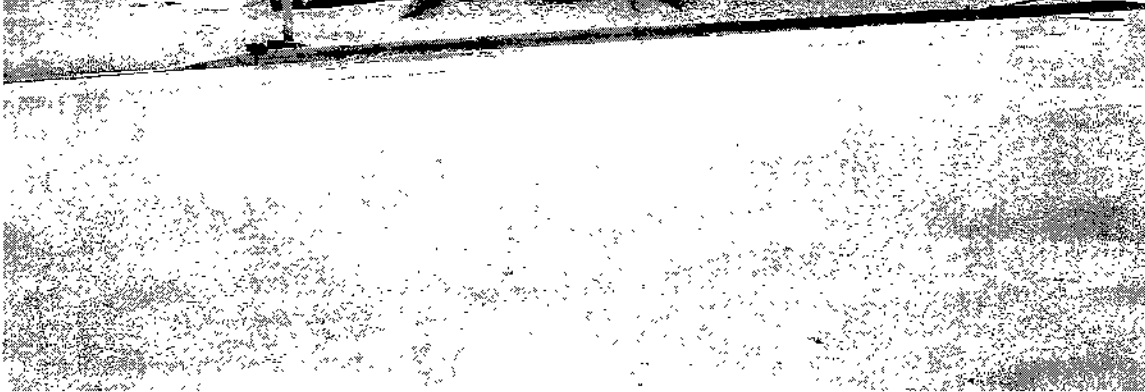
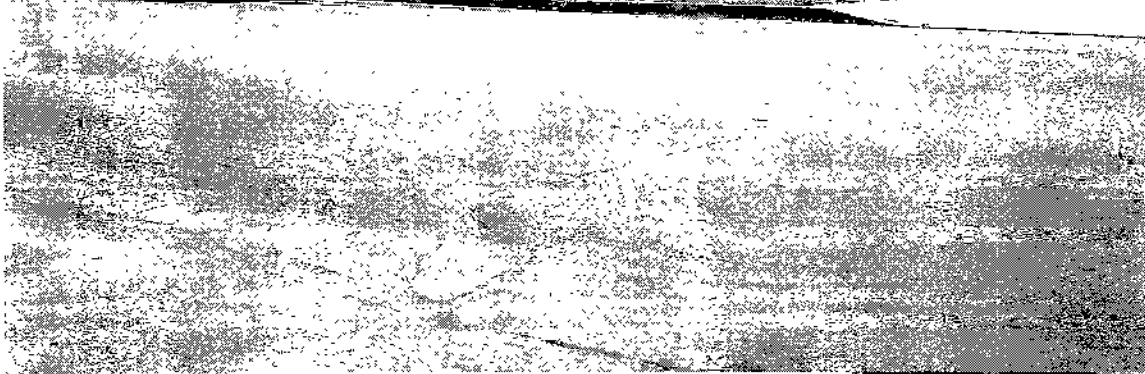
TOP – manufacture home (CURRENT LOOK) DR-06-01

BOTTOM – House several doors down the street & across from 2333 Elden Ave



TOP – Two single houses with a two story at the back of the property, several houses down and across from 2333 Elden Avenue

BOTTOM – Single story house, opposite side of 2333 Elden Avenue

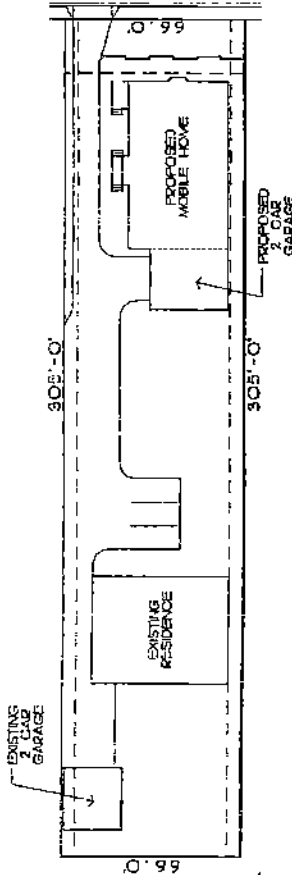


TOP - Corner of Elden and Wilson, opposite side of the street from 2333 Elden Avenue
BOTTOM – Next door to corner house on Elden and Wilson



127 Monte Vista, Costa Mesa

Manufactured home approved in May of 2005

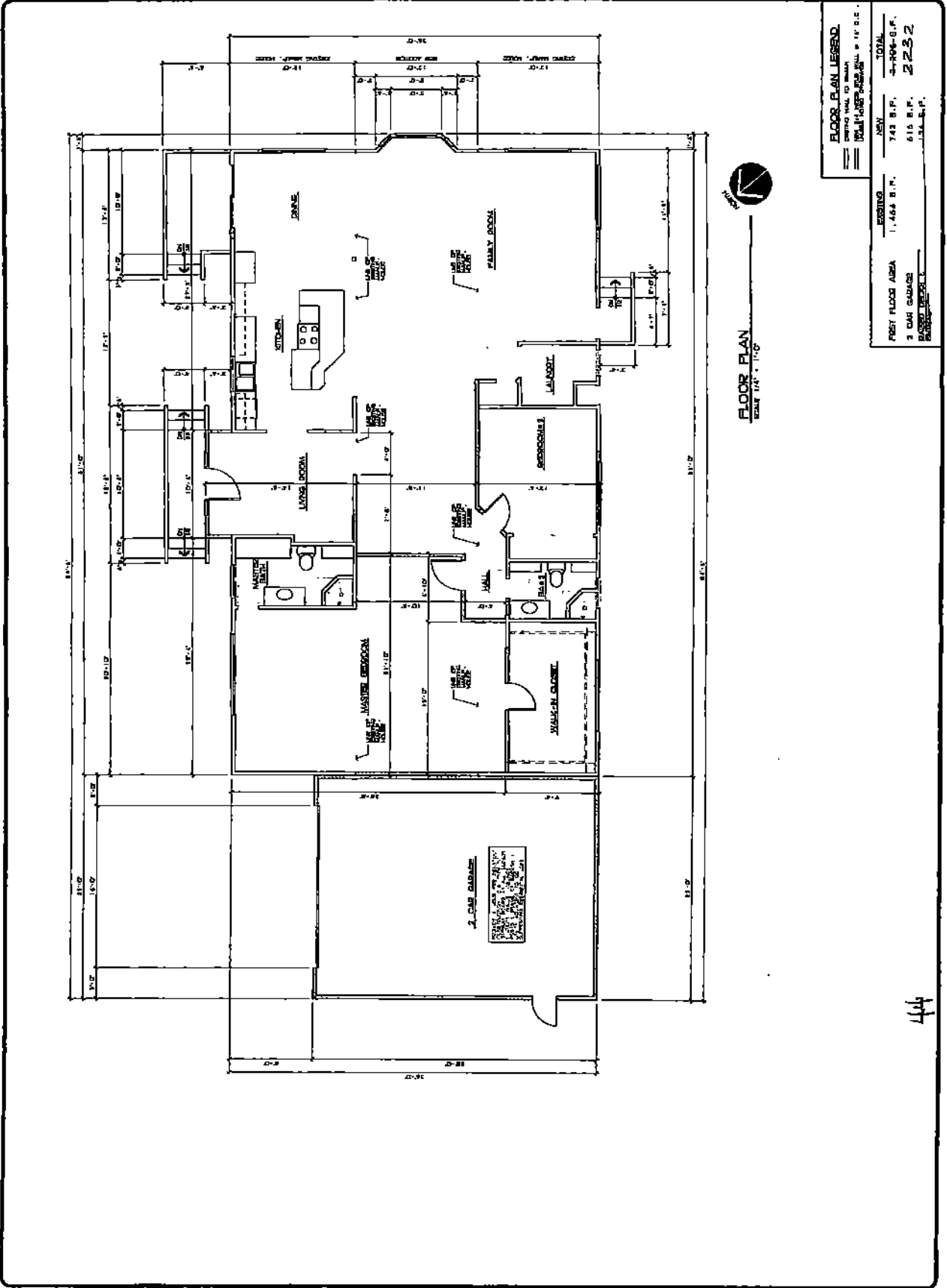


REVISIONS	BY

2338 ELLEN AVE., COSTA MESA, CA
 PROPOSED RESIDENCE at
 FLOOR PLAN

1495 A. RD. N.
 COSTA MESA, CA 92626
 11/11/11

A.1	
DATE	11/11/11
BY	
CHECKED	
APPROVED	



TRAN, HANH

From: Amental Lover [AmnLLvr@mindspring.com]
Sent: Wednesday, April 26, 2006 1:53 PM
To: LAMM, DONALD; ROBINSON, MIKE; BRANDT, KIMBERLY; FLYNN, CLAIRE; ROBBINS, REBECCA; VETURIS, HILDA; BOUWENS-KILLEEN, WILLA; LEE, MEL; SHIH, WENDY; TRAN, HANH
Cc: cambridgetownhomeshoa@yahoo.com; Ann Kent; Linda Menk; Pam Nichols
Subject: Development Review DR-06-01
Importance: High

Dear Costa Mesa Planning Commission,

I live at 2337 Elden Ave and I walk my dog everyday and pass 2333 Elden Ave on my walk around the block. The Trailer parked on the property is an eyesore and I feel it disturbs the quaintness of my neighborhood.

I noticed in a letter sent from the Bollinger's they stated that they "canvassed the neighborhood" for approval. This is not true. Cambridge Place HOA @ 2337 Elden had their Board meeting on April 20, 2006 and the trailer parked on 2333 Elden in plain view on the property was an agenda item. No one on our board has been asked for approval by the Bollingers and we as a Board are sending protest letters against the the approval for the Bollingers to park their trailer at 2333 Elden Ave.

As I mentioned I walk my dog every night around the block and everyone I have met feel this trailer is an eyesore and lowers our property values. The fact that they have done many things to this property with out the proper permits, leads me to believe that they will continue to make changes, build, or anything on this property without permits, and they will wait until the planning commission or code enforcement notices the construction and by that time the project could be well on its way to completion. This does not sit well with me. I needed a permit to install my air conditioner and that was for the back of my property.

The neighborhood would like to know if there is a specific form or letter we need to write to the planning commission to voice our concerns of the trailer and the Bollinger's blatant disrespect for Costa Mesa codes and policies.

Respectfully,
 Dana Lavin
 Homeowner
 2337 Elden Ave
danalavin@mindspring.com

TRAN, HANH

From: Cambridge Townhomes HOA [cambridgetownhomeshoa@yahoo.com]
Sent: Tuesday, April 25, 2006 10:58 PM
To: TRAN, HANH
Subject: DR-06-01 2333 Elden

Hahn,

I am writing this note on behalf of the 10 members of my Homeowners Association, who live adjacent to 2333 Elden. We object to the proposal to place a mobile home on this property; accordingly, we support the Costa Mesa Planning Division's recent decision to deny the application for this project, and we urge the members of the planning commission to uphold this decision should the matter be deferred to them for approval.

Cordially,

Greg Horter
Cambridge Townhomes HOA
2335 Elden Ave

TRAN, HANH

From: tinalo100@sbcglobal.net
Sent: Wednesday, April 26, 2006 5:03 PM
To: TRAN, HANH
Subject: [BULK] DR-06-01. 2333 Elden Avenue
Importance: Low

Dear Mr. Tran,

Please note that we, as homeowners at 2335 Elden Avenue, Unit A, Costa Mesa, CA 92627 are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue, Costa Mesa, CA 92627. It is with great hope and anticipation that you and the City of Costa Mesa will come to the same conclusion that we and our surrounding neighbors have come to which is: this attempt to place a mobile home in our community is not in our best interest.

We wish to be placed on the mailing list for all future correspondence relating to this matter refering to DR-06-01, 2333 Elden Ave. Thank you in advance for your assistance in this matter.

Respectfully,

Christina Otto

- , 37

04/27/2006

TRAN, HANH

From: Anne Buteyn [ambuteyn@hotmail.com]
Sent: Wednesday, April 26, 2006 10:57 AM
To: TRAN, HANH
Subject: [BULK] Object to proposal DR-06-01, 2333 Elden Ave
Importance: Low

Dear Hahn Tran,

I am the homeowner of 2335 Elden Ave, Unit C, Costa Mesa, CA 92627.

Please note that I object to proposal DR-06-01. As a homeowner in this neighborhood for over 6 years now, I strongly believe that placement of a mobile home at 2333 Elden Avenue would not be in the best interest of the current and future property owners in this Costa Mesa area. I also understand this type of structure has not been allowed in the past in any similar Costa Mesa neighborhood, and I would encourage you to continue this type of restriction in the future.

Sincerely,
Anne Buteyn

TRAN, HANH

From: Douglas Hiramoto [DHiramoto@beldenhutchison.com]
Sent: Wednesday, April 26, 2006 9:05 AM
To: TRAN, HANH
Subject: [BULK] DR-06-01, 2333 Elden Ave

Importance: Low

Dear Hahn Tran,

We are the homeowners at 2335 Elden Avenue, Unit D Costa Mesa, CA 92627. We are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue Costa Mesa, CA 92627.

As a surrounding neighbor, we strongly believe that a mobile home in our community does not serve to the best interest for our community in both appearance and value creation. There are neighbors in our community who have spent hard earned money either upgrading or building new homes. The mobile home is inconsistent to what is being permitted to be built, improved or sanctioned by the City of Costa Mesa. After your review, we strongly feel that you and the City will come to the same conclusion.

We wish to be placed on the mailing list for all future correspondence relating to this matter referring to DR-06-01, 2333 Elden Ave.

Thank you for your quick action to this matter.

Sincerely,

Douglas & Theresa Hiramoto

TRAN, HANH

From: Anastasia Winley [awinley@winbros.com]
Sent: Wednesday, April 26, 2006 12:29 AM
To: TRAN, HANH
Cc: Doug Hiramoto; Cambridge Townhomes HOA; Anne Buteyn; Chris Wakim; Greg And Lori Horter; Theresa Hiramoto; Christina Otto
Subject: DR-06-01, 2333 Elden Ave

Dear Hahn Tran,

Please note that we, as homeowners at 2335 Elden Avenue, Unit F Costa Mesa, CA 92627 are strongly against the City of Costa Mesa allowing a mobile home to be permitted at 2333 Elden Avenue Costa Mesa, CA 92627.

It is with great hope and anticipation that you and the City of Costa Mesa will come to the same conclusion that we and our surrounding neighbors have come to which is: this attempt to place a mobile home in our community is not in our best interest.

We wish to be placed on the mailing list for all future correspondence relating to this matter refering to DR-06-01, 2333 Elden Ave. Thank you in advance for your assistance in this matter.

Respectfully,
Brian and Anastasia Winley

MOTION:
212 Ogle Street
Reversed Zoning Administrator's Decision

tion of a nonconforming status on the property because of the alley in relationship to setbacks. She said that the one foot reduction in the setback is easily approved by Planning staff through a minor modification. She pointed out that the overriding concerns are with the parking and open space.

There was discussion between Commissioner Fisler and Principal Planner Willa Bouwens-Killeen regarding the intent of the General Plan and Zoning Code to ensure nonconforming uses are replaced over time by conforming development; the number of years parking and open space requirements have been around and the number of times they were updated; and the current requirements for open space and parking versus what exists on the property.

A motion was made by Commissioner Garlich, seconded by Commissioner Fisler and carried 3-1 (Egan voted no, Perkins absent), to reverse Zoning Administrator's denial for property located at 212 Ogle Street, by adoption of Planning Commission Resolution PC-06-30, based on testimony provided at the Planning Commission meeting of May 8, 2006.

During discussion on the motion, Commissioner Egan said that while she agrees that everyone acted in good faith it was her opinion that the applicant attempted to modify a building that was more than half a century old, and had undergone substantial deterioration over the years, in addition to not being properly constructed in the beginning. The applicable law as set forth in the Zoning Code and in the General Plan and states that once a nonconforming structure has been demolished, any further construction on that site needs to conform to code; she did not see any ambiguity in the code or General Plan.

There were discussions by Willa Bouwens-Killeen, Acting Chair Hall, Commissioner Garlich, and Eleanor Egan regarding the outcome, should the decision of the Zoning Administrator be reversed by Planning Commission. Commissioner Fisler reminded everyone that the Habitat for Humanity project was such an example and on request, Commissioner Garlich explained what had occurred with the Habitat project.

Deputy City Attorney Christian Bettenhausen clarified what issue was actually before the Planning Commission.

~~Acting Chair Hall called for a vote on the motion (as shown above).~~

REQUEST FOR REVIEW OF
PLANNING STAFF'S DENIAL
OF DEVELOPMENT REVIEW
DR-06-01

Bollinger

The Acting Chair opened the public hearing for consideration of a request for review of Planning staff's denial of Development Review DR-06-01 for James and Susan Bollinger to legalize the installation of a mobile home on a lot with an existing home; with a minor modification for an 11-foot wide driveway (16 feet required), located at 2333 Elden Avenue in an R2-MD zone. Environmental determination: exempt.

Assistant Planner Hanh Tran reviewed the information in the staff report and gave a presentation. She said staff was recommending that Planning Commission conduct the public hearing, and either uphold, reverse, or modify Planning staff's denial, by adoption of Planning Commission resolution, subject to condition.

Commissioner Garlich said the Commission is looking at a staff denial of an application made in January, which was to put a mobile home temporarily on the site to care for applicant's mother. The mother has since passed away, and they now wish to incorporate the mobile home into a permanent residential structure and request additional time to hire an architect, work with Planning staff, and present an amended plan. Commissioner Garlich stated that the revised plans are not before the Commission this evening. He asked staff what options the applicant would have in order for the applicant to modify the plans.

Assistant Planner Hanh Tran explained that the Planning Commission could continue this project and consider the applicant's revisions to the plans. Principal Planner Willa Bouwens-Killeen suggested the item be continued to a date certain because the mobilehome has already been

installed at the site illegally and Planning Division has received several complaints about its appearance.

James Bollinger, 137 St. Vincent, Irvine, said they have presently relocated their mobilehome from El Moro Village, Newport Beach on March 1, 2006 to its present site because his wife's mother is ill and the closing of El Moro Village.

Mr. Bollinger stated that since they moved the mobilehome onto the site, they have improved the landscaping, installed a sprinkler system, and removed a chain link fence per City requirements. The mobilehome that's not at the beach, which is where they used to live. The mobilehome will be redesigned to be an outstanding architectural asset for the community. He said they have submitted drawings for the Commission's review. He said their request is that they be allowed to go through proper steps to resubmit their building permit without relocating the mobile home.

Acting Chair Hall confirmed with Mr. Bollinger that this was to be his starting point for a residence. Mr. Bollinger said their intent is to use parts of it, much like a shoebox combined with permanent construction. He pointed out the elevations as shown on page A3 are compatible with the neighborhood.

Commissioner Garlich advised Mr. Bollinger that the Commission couldn't take action on the plans this evening because the revised plans are not on the agenda. He said one of the options they do have is to continue the item to enable the applicant to formerly prepare and he asked the applicant when he felt he could provide all the information needed. Susan Bollinger (wife) came forward and stated they were told they would have to remove their mobilehome within 30 days of this hearing date and her concern is that they would not have enough time to prepare. Commissioner Garlich explained that if the Commission were to grant a continuance, the mobilehome would not have to be removed until such time as action is taken on this matter. However, the applicant needs to submit a modified application incorporating the revised drawings.

In response to a question from Commissioner Garlich regarding the applicant's letter, which states that they wish to include the Coach in a design built home, Assistant Planner Hanh Tran stated that based on staff's conversations with the Building Safety Division, any modification to the structural integrity of the mobilehome cannot be reviewed, or inspected. She also spoke with the state agencies regarding mobilehome statutes and they relayed the same information. With the revised plans, the portion that is outside the mobilehome unit can be reviewed by City staff, however, the structure itself, cannot be reviewed. Commissioner Garlich asked if the applicants could revise their proposal and submit this kind of an architectural proposal. Staff said they could.

Ms. Bouwens-Killeen commented this is the first time staff has seen the plans and she would like to have more detail as to what's actually the mobilehome and what's new construction, so it can be run by the Building Division. In response to a question from Commissioner Garlich regarding a revised application submittal, Ms. Bouwens-Killeen confirmed that the Bollingers would need to bring a revised application for Planning staff's review before a hearing is held on the matter.

In response to a question from Commissioner Garlich regarding a date certain, Ms. Bouwens-Killeen explained that this item could be continued to June 26th. She also felt if they were able to come to an agreement between all parties with what the Bollinger's are proposing, they may be able to withdraw the appeal and approve the development review without bringing it back to Planning Commission.

In response to Acting Chair Hall, Ms. Bouwens-Killeen felt that June 26th would be sufficient since the Bollingers have already had plans prepared.

PUBLIC COMMENT:

The following speakers opposed the application and made the following

comments: Greg Horter, 2335 Elden Avenue (next door); Beth Refakas, 320 Magnolia Street; Dana Lavin, 2337 Elden Avenue; Chris (first name only), 2335 Elden Avenue; Doug (last name inaudible), 2155 Elden Avenue; Ann Kent, 2337 Elden Avenue; Anastasia Winley, 2335 Elden Avenue, Costa Mesa. •They were opposed to the mobilehome because it would take too long to resolve the issues and even if approved, it is doubtful the applicants would do what they said they would because they placed the mobilehome on the property without a permit. •It is in the wrong zone; it is an eyesore; the mobile home will bring property values down; and with the nonconformity and safety issues, the mobilehome does not fit with other housing in the community. •Different law governs inspection of mobilehomes and City personnel have no right to enter the premises in this case, which will also holds up the process. •Several speakers commented they were in favor of a denial until the issues are resolved, and further commented, they did not believe those issues would go away in the near future.

During public comments, Acting Chair Hall remarked that he has complete confidence in staff to make sure the rebuilt mobilehome complies with building codes and enhances the neighborhood.

Mr. Bollinger commented that they purchased their mobilehome in 2001. They had no idea that they were going to be in this precarious situation. When they bought mobilehome, he completely remodeled the interior and brought things up to code and this was one of the reasons they were reluctant to walk away from it. He felt once the exterior siding is opened up, any problems can be addressed by the building inspectors at that time. He said they are completely open and willing to abide by the rules.

When asked by Commissioner Fisler, Mr. Bollinger confirmed that they had a realtor when they bought the mobilehome. Mr. Bollinger explained that there was approximately 40 months left on the lease at that time; they also received information from the association that there was a very good likelihood that the lease was going to be extended again, which obviously didn't happen. Commissioner Fisler asked why Mr. Bollinger moved the mobilehome onto this property illegally. Mr. Bollinger said they submitted their paperwork and obtained permission from the trust to locate it there and they were acting on good faith they were going to be able to get it approved and did not realize they would be getting this kind of resistance.

Commissioner Garlich said he respected all of the comments the neighbors have made and many of them raise good points. He hoped that the revised application would address most, if not all of the issues, and that staff would work with the City Attorney's Office regarding the estate issues.

No one else wished to speak.

MOTION:
DR-06-01
Continued

A motion was made by Commissioner Garlich, seconded by Acting Chair Hall and carried 3-1 (Fisler voted no, Perkins absent), to continue this item to the Planning Commission meeting of June 26, 2006.

SUBSTITUTE MOTION:
DR-06-01
Failed for lack of a second.

A motion was made by Commissioner Fisler and failed for lack of a second, to deny based on the evidence in the record and findings contained in exhibit "A", and directed that the mobilehome be removed from the premises within 30 days from the date of the resolution.

The Acting Chair then called for the vote on the original motion.

~~PLANNING APPLICATION~~
~~PA-06-12~~
~~Bauer/Allen~~

~~The Acting Chair opened the public hearing for consideration of Planning Application PA-06-12 for Kevin Allen, authorized agent for Richard Bauer, for a conditional use permit to allow an existing church in Suite G3 (approved under PA-97-50) to expand into two adjacent suites (sanctuary to remain unchanged), located at 3505 Cadillac Avenue, #G4 and #G5, in a PDI zone. Environmental determination: exempt.~~

~~Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. Mr. Lee said staff was recommending approval,~~

Excerpt from the minutes of the Planning Commission Meeting of June 26, 2006.

REQUEST FOR REVIEW OF
PLANNING STAFF'S DENIAL
OF DEVELOPMENT REVIEW
DR-06-01

The Chair opened the public hearing for consideration of a request for review of Planning staff's denial of Development Review DR-06-01 to legalize the installation of a mobilehome on a lot with an existing home; and a minor modification for an 11-foot wide driveway (16 feet required), located at 2333 Elden Avenue in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval of the revised development review, subject to the recommended conditions of approval.

In reviewing the applicants' plans, he said the proposal is to remodel the mobilehome by combining it with a stick-built residential structure and the end result would be that the entire structure would be a new single-family residence with no architectural remnants of the original mobilehome. Because of these modifications, the structure will be subject to all Building and Safety code requirements. Mr. Lee pointed out that condition of approval #8 states that if this application is approved it would require the applicant to provide those plans to the Building Division no later than 30 days from the date the application is approved by the Planning Commission and would also require the applicant to work diligently with City staff to obtain the necessary permits and construction and complete the project in a timely manner.

Mr. Lee said the issue of ownership also arose at the last meeting because the property is contained in a trust. The applicant provided documents that were reviewed by the City Attorney's Office and the trustees are the applicants' brother and sister and all three new property owners have submitted their approval in writing to allow this project to proceed as it is proposed this evening.

He said a minor modification is also included in this request for a 10' wide common driveway that staff is recommending approval of because the reduction in width will allow for additional landscaping on either side of the proposed drive approach.

In response to a question from Vice Chair Hall regarding the description of what the house will ultimately look like, Mr. Lee confirmed that it would not have any resemblance to a mobilehome. Commissioner Garlich added that at the last hearing the applicant said it was his intent to remove the exterior sheet metal structure of the existing trailer as a part of that remodel.

In response to a question from Commissioner Garlich regarding condition of approval #5, Mr. Lee confirmed that condition would require the existing structure at the rear of the building to be upgraded as well, and it is his understanding that the various entities of the trust have agreed to those requirements.

In response to the Chair, Mr. Lee confirmed the final date would be 7 days from the date the decision is made. Mr. Lee also explained what

is meant by a "timely matter" as requested by the Chair.

Susan Bollinger, 2233 Martin, Irvine, agreed to the conditions of approval. She said the architect has worked closely with the Planning Division in coming up with the proposed plan. She assured the Commission that they wanted to move into their new home too and were not trying to drag it out.

Commissioner Garlich asked Mrs. Bollinger if she was in agreement and comfortable with the 30 days to go through the permitting process in order to be compliant. He explained that he wanted to make sure she understood that the mobilehome is the source of unrest. If it is not done in 30 days, it has to be moved. Mrs. Bollinger said they fully understand and agree.

PUBLIC COMMENT:

•Bill Brown, Elden and Wilson Streets, felt everyone has been "duped" by the applicants and did not like that the mobilehome is sitting on the subject property. •Dana Lavin, 2637 Elden Avenue, said the trailer has been parked on the property since January and they are very unhappy with it being there because it was placed there without a permit. •Gregg Horter, 2335 Elden Avenue, said the request to put a mobile home on the subject property does not constitute a "special circumstance."

Commissioner Garlich referencing the last speaker, who used the term, "special circumstances" said he could not find anything that relied on special circumstances and asked staff to explain if he had overlooked something. Mr. Lee explained that typically, the finding for "special circumstances" pertain to variances; there is no variance request associated with this application.

PUBLIC COMMENT:

Continued...

•Linda Mink, neighbor to the subject project, also believed a trailer is inappropriate in that area and said she was astounded that it even got this far. •Doug Karamoto, 2665 Elden Avenue, requested that the Commission deny this project, however, if granted, a condition of approval could be added since it is a construction site, it should not be occupied before or after construction hours, until it is habitable because he is concerned the construction will drag on in an untimely manner.

Mrs. Bollinger returned to the podium to address the issues stated by the previous speakers. She said they are trying to construct/design their home to be in compliance with what the neighbors are saying needs to look exactly like the existing house. She said the roof line and colors will match; they are willing to do what is necessary to make that their home. She said the Planning staff has put stipulations on this project and it means they must meet certain deadlines. Mrs. Bollinger said comments about dragging this on for months and years is not a consideration. She said they could not understand what the gain would be in doing that because their goal is to live there. She reviewed condition of approval #11 which states that they cannot occupy the resi-

dence until it has been inspected and approved by Planning and the Building and Safety Divisions to confirm that the conditions of approval have been met and code requirements are satisfied.

Commissioner Garlich confirmed with Mrs. Bollinger that their intent in remodeling this mobilehome and incorporating it into a traditional residential design is to remove the exterior shell of the mobilehome and to build that new structure around the basic interior elements. Commissioner Garlich also confirmed Mrs. Bollinger's comments regarding occupancy of the home and asked Mr. Lee if it was necessary to add a condition to address the concern that someone will live in while it's being built. Mr. Lee felt it was a good idea to add condition of approval #14 stating that the mobilehome will not be occupied until all improvements are completed. Mrs. Bollinger agreed to the condition.

Commissioner Fisler asked about the prohibition of this mobilehome from being on the land if it was manufactured over 10 years before from the date of application. Mr. Robinson read from of the Planning Division staff report, which contains a section of the State Planning and Zoning Law that states, "At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone." He explained that because the mobile home is well over 10 years, the Commission has the discretion to deny it.

In response to another question from Commissioner Fisler, Mr. Robinson said the Development Review was denied by staff and was then called up for review. Commissioner Fisler said last month when this came before the Commission, he made a motion to give the applicant 30 days to remove the mobilehome from the site because it was placed there illegally. He also felt it was a safety hazard and had an adverse impact on the adjacent areas. He did not receive a second for that motion. He felt it should never have been brought to the City and now they are going to transform it with basically new construction and he would rather it just leave and have new construction brought forward.

The Chair asked if he wanted to make that a motion.

MOTION:

DR-06-01

Vote was not called

A motion was made by Commissioner Fisler, seconded by Chair Perkins to deny Development Review DR-06-01.

A substitute motion was later made and the above vote was never called.

Commissioner Egan said she sees this matter differently from Commissioner Fisler and differently from Item #2 on our agenda tonight. She said she didn't think it was the Commissions' role to punish people and is not what Planning Commissioners are here for. She said they are here to apply the applicable law and guidelines, and to do

what's right. She said the problem with Item #2 was that she lost faith in the credibility of the applicant and had doubts as to how he intended to use the property. She did not have doubts about how this applicant intends to use the property. The intent appears to be, from all the evidence, to build a home, and to incorporate certain portions of the mobilehome into a single-family house. She said they've got bathrooms and a kitchen that they would have to build all over again and it makes sense to preserve what they have—that's what they want to do. Staff is okay with it and if it's going to have all the features and appearance of a regular single-family home, meets all the code requirements, setbacks, safety inspections, etc., she did not see why it should matter to anyone whether portions of the interior came from a mobilehome. She was in favor of upholding staff's recommendation.

SUBSTITUTE MOTION:
DR-06-01
Approved

A substitute motion was made by Commissioner Egan, seconded by Commissioner Garlich and carried 3-2 (Fisler and Perkins voted no), to approve the revised Development Review DR-06-01, by adoption of Planning Commission Resolution PC-06-42, based on information and analysis in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modification:

Conditions of Approval:

14. The mobilehome shall not be occupied until all the improvements have been completed.

During discussion on the motion, Commissioner Garlich stated that Commissioner Egan has stated much of what needs to be said. He said he has faith the applicants will follow through and will look very nice; it will not be a detriment to the neighborhood.

Vice Chair Hall said the findings state, "a compatible and harmonious relationship will exist between the building and the site development..." He quoted the first speaker who said he would hope their architect would do a little more work on the design because he held up a piece of paper with very little on it. Vice Chair Hall explained that at this hearing, there is a lot of documentation that includes elevations, drawings, and the final structure doesn't even come close to looking like a mobile home—and appears to have no relationship to a mobilehome. If they comply with the statements that it will be compatible and harmonious; if their architect does a good job; if all is done as stated in the conditions, within 37 days from today, they can go ahead, if not, they will have lost their chance. The Commission would have no trouble at all in denying a request if it doesn't fit within those parameters and the neighborhood. Vice Chair Hall suggested that condition of approval #14 be added (shown above in the substitute motion).

The Chair explained the appeal process.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,

PLEASE CONTACT THE CITY CLERK'S OFFICE AT

(714) 754-5121